

Message Text

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DRAFTED BY: S/S:FORTIZ:JLH

APPROVED BY: S/S:MR ORTIZ

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R 291535Z JAN 76 ZFF4

FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW

C O N F I D E N T I A L STATE 022266

NODIS

FOL REPEAT OF GENEVA 0621 TO SECSTATE JAN 29

QTE:

C O N F I D E N T I A L GENEVA 0621

NODIS

DEPT PASS TO DOD AND AMEMBASSY MOSCOW

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS-POLLUTION

SUMMARY. SOV DEL PRESENTED QUOTE PACKAGE DEAL UNQUOTE TO RESOLVE OUT-
STANDING DIFFERENCES BETWEEN US ON POLLUTION ARTICLES. END SUMMARY.

1. AT REQUEST SOVIET AMB KOLOSISOVSKY, AMB LEARSON AND US DEL MET
WITH SOV DEL TO HEAR SOVIET PROPOSALS TO RESOLVE VESSEL-SOURCE
POLLUTION ISSUES BETWEEN US. KOLOSISOVSKY UNDERSTOOD THAT WE WOULD
HAVE TO STUDY IDEAS CAREFULLY, AND WOULD LIMIT OURSELVES TO ASKING
QUESTIONS AT MEETING.

2. POINTS PROPOSED BY KOLOSISOVSKY ARE:

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A. AGREEMENT ON FLAG-STATE PRE-EMPTION OF CRIMINAL PROCEEDINGS

(BUT NOT CIVIL DAMAGE SUITS) IF IT COMMENCES PROCEEDINGS WITHIN SIX MONTHS. THIS POINT HEAVILY STRESSED. IN RESPONSE TO OUR QUESTION ABOUT SOVIET OPINION ON LATEST EVENSEN PROPOSAL ON THIS ISSUE,

KOVALEV SAID SOVIETS STILL STUDYING IT.

B. COASTAL STATE DUMPING RIGHTS WOULD BE LIMITED TO ECONOMIC ZONE, AND NOT INCLUDE THE SHELF BEYOND.

C. COASTAL STATE WOULD HAVE RIGHT TO FIX CONSTRUCTION STANDARDS IN TERRITORIAL SEA PROVIDED INNOCENT PASSAGE PRESERVED.

D. NO REP NO COASTAL STATE ARREST POWERS BEYOND THE TERRITORIAL SEA FOR VIOLATION OF INTERNATIONAL DISCHARGE STANDARDS.

E. COMPULSORY DISPUTE SETTLEMENT FOR POLLUTION.

F. CONTINUED DISCUSSION ON VULNERABLE AREAS ARTICLE.

3. KOVOSOVSKY'S PRESENTATION INDICATED THAT SOVIETS WOULD REGARD DEAL AS FINAL, AND THE BOTH DELEGATIONS WOULD "FIGHT TO THE END" IN THESE POINTS. HE MADE NO REFERENCES TO NEGOTIABILITY.

4. COMMENT: SOVIETS SEEM TO REGARD POINTS (A) AND (D) AS US CONCESSIONS AND ARE PLAYING THE OTHERS AS SOVIET CONCESSIONS. SOVIETS HAVE PREVIOUSLY ENDORSED POINT (E), ALL BUT WITH SOME AMBIGUITY. IT IS ALSO POSSIBLE THAT SOVIETS HAVE BEEN PERSUADED BY OUR ARGUMENTS ON POINT (B), AND THAT TRADITIONALLY BROAD SOVIET VIEW IN PRACTICE OF ITS POWERS IN ITS OWN TERRITORIAL SEA IS FINALLY MANIFESTING ITSELF IN POINT (C). POINT (A) OF COURSE IS STRONGLY OPPOSED DOMESTICALLY IN THE US AS IT AFFECTS PORT STATE ENFORCEMENT, AND POINT (D) RUNS EXACTLY COUNTER TO THE TREND AMONG MODERATES TOWARD A COMPROMISE BEYOND THE TERRITORIAL SEA ON EXCLUSIVELY INTERNATIONAL STANDARDS (SUBJECT TO ACCEPTABLE VULNERABLE AREA PROVISION FOR ARCTIC) WITH LIMITED COASTAL STATE ENFORCEMENT POWERS. DALE UNQTE KISSINGER

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